

Danner, Ward

From: Wilson, Patrick
Sent: Friday, December 20, 2013 1:35 PM
To: Armann, Steve; Mogharabi, Nahal
Cc: Huetteman, Tom; Baylor, Katherine; Keener, Bill
Subject: FW: IMPORTANT: PEER weighs in!

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green Category

From: cassandra wiseman [mailto:topangafairy@gmail.com]
Sent: Friday, December 20, 2013 1:16 PM
To: Wilson, Patrick
Subject: Fwd: IMPORTANT: PEER weighs in!

Dear Dr. Wilson,

Thank you again for taking my phone call. I really appreciate your patience and sincerity. I am very grateful to the EPA. As we discussed if we can't save the children of affluent and privileged at Malibu High School, then what hope is there for the rest of the children in America to go to school in an environmental safe zone.

I will contact Tom Cota as you suggested.

And, thank you again for offering that you might send someone from the EPA to monitor the air testing being done over the break. THAT would go a long way in developing the trust we lost in the last testing. I told you that there are quite a few of us that feel that we can not trust Sandra Lyon or the SMMUSD Board members and their Task Force including Jan Maez, Elaine Rene Weissman and Mark Katchen, to do the right thing. Poor Jennifer deNiccola has done her best to provide some integrity to this board and she got blasted yesterday for talking to you. We were all surprised to read Sandra Lyon's letter to day to the parents and staff, that the EPA said the teachers and students could safely go back into their classes now and that you had said everything in the school was safe. We do know that this contamination cover-up is also considered an active crime scene.

I hope you have a wonderful Holiday with lots of cheer and surrounded by happiness.

And here's to a New Year full of people doing the right thing!!!!

Sincerely, Cassandra Politzer Wiseman



----- Forwarded message -----

From: <hughbkaufman@comcast.net>
Date: Fri, Dec 20, 2013 at 12:35 PM
Subject: IMPORTANT: PEER weighs in!
To: NiColle Holland <nraber@aol.com>

Cc: topangafairy@gmail.com, cami@sobini.com, milagrosfilms@gmail.com, cindyvander@gmail.com, bohemianturtle@hotmail.com, bridgetteleonard@gmail.com, 2ingmail@verizon.net, hopedel@hotmail.com, joy horowitz53 <joy.horowitz53@gmail.com>, jruch@peer.org, pdinerstein@peer.org, christinapascucci@icloud.com, melissa@malibutimes.com, dave@smdp.com, jd18@me.com, lrsnm@yahoo.com, julietobias@mac.com, kmiller@gormanmiller.com

Kudos to Jeff and Paula at PEER!

From: Paula Dinerstein
Sent: Friday, December 20, 2013 3:26 PM
To: 'armann.steve@epa.gov'; 'willson.patrick@epa.gov'
Subject: Malibu schools contamination clean up

Dear Mr. Armann and Mr. Wilson,

As I previously discussed with Mr. Armann by email and telephone, PEER represents the "Concerned Malibu/Cabrillo Teachers," consisting of close to 30 teachers and staff at Malibu Middle and High School and Cabrillo Elementary School. We are concerned about the testing and clean-up of classrooms which has suddenly been scheduled to begin tomorrow, during winter break, purportedly in accordance with plans and protocols approved by you. According to the memo from Sandra Lyon, the Superintendent of Schools, "Mr. Armann will personally oversee the review and approval of our testing and cleaning protocols, as well as the verification sampling results."

Our concerns are:

1. There is no posted protocol for the cleanup. SMUSD states that the work is being done to Region 9 specifications and directs all questions to Region 9. Please tell us how the cleanup is designed and whether it meets relevant EPA protocols.
2. There has been no stated provision for worker safety in this cleanup. Unlike previous hazardous material removals, what steps are being taken to protect the workers in this cleanup?
3. Is the clean-up being conducted by an EPA-certified contractor? If so, by what firm?

We would appreciate answers to these questions before the testing and clean-up activities begin.

Thank you.

Paula Dinerstein
Public Employees for Environmental Responsibility
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From: hughbkaufman@comcast.net
To: "NiColle Holland" <nraber@aol.com>
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prosenfeld@swape.com, kmiller@gormanmiller.com
Sent: Friday, December 20, 2013 3:31:25 PM
Subject: Re: IMPORTANT: Malibu Schools' PCB Testing & Remediation begins Tomorrow...

RE: EPA Region saying the soil was safe.

The SMMUSD 2010 Environmental Report says otherwise.

For example:

"...Lead was detected in sample SS-PERC-9-10 at a concentration of 304 mg/kg, which exceeded the CHHSL of 80 mg/kg...The estimated cancer risk for the

carcinogenic compounds using the maximum concentrations collected during the PEA is 2×10^{-5} , which is

above the cancer risk target risk management range for school sites of 5×10^{-6} (Table 8 of the PEA report [ARCADIS 2010; Appendix C]). One of the PCBs (Aroclor 1254) was the primary contributor (53%) to the overall carcinogenic risk. Organochlorine pesticides cumulatively contributed 42% to the overall carcinogenic risk. Alpha-chlordane and technical-chlordane were the secondary contributors (9.5% and 27%, respectively) to the overall carcinogenic risk..."

http://fip.smmusd.org/downloads/MalibuMHS_Removal.pdf

From: "NiColle Holland" <nraber@aol.com>
To: hughbkaufman@comcast.net, kmiller@gormanmiller.com
Cc: topangafairy@gmail.com, camisobini.com, milagrosfilms@gmail.com,
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prosenfeld@swape.com
Sent: Friday, December 20, 2013 2:14:41 PM
Subject: Re: IMPORTANT: Malibu Schools' PCB Testing & Remediation begins Tomorrow...

Just got off the phone with Mr. Armann. He said he is not sure if the plan was approved it may have been verbally he is looking into it but it is quite possible since there are more people working on this. He is going in today on his day off to see what is going on - PLEASE call him and put more pressure on him. I told him he did not get the true insight of concerned parents because there was a Performance at school the same night of the meeting and there are 100's of us wanting to know the truth. He also said the district is going above and beyond, out of concern the district is volunteering to do more than what EPA is asking them to do. He said the levels are so low it is no cause for concern.

He said he would send his kids to school no problem. He said he would think about sending a EPA representative to oversee testing on site but he could not promise this over the phone - (ask him to do this). He said he has never worked with Katchen before and does not know his past but is well aware of the mistrust people have with the district. He has no idea why they would of hired a law firm. He said Dr. Rosenfeld called him and agreed the levels found are very low and are no cause for concern. That the focus should be cleaning the school, and move foreword with a clean environment from here on out, he has no interest in trying to find past levels. He said the levels in the soil are so minimal the EPA probably would of not had them do any clean up at all in 2011 and it seems the school district has gone above and beyond. He did say the school appeared to be dirty. I asked what the source of cancer causing contamination in the soil is from - he said the low levels of contamination found (no hot spots but by 1 tree in the quad) do not cause the EPA to investigate into finding one. . . I asked him about the health problems and he said that is not my department - that concern belongs to the public health department.

Basically there is no concern and the campus before and after cleaning will be completely safe and the district is going above and beyond what they need to do to satisfy the EPA. ???

Mr. Steve Armman, EPA Region 9 PCB Coordinator at [415-972-3352](tel:415-972-3352).

Dr. Rosenfeld why have you not communicated with the parents that gave you \$ to discern the truth and test results? Please advise if the above statements are true, today.

Paid member of parents 4 healthy schools.

**Thank You,
NiColle Holland**

-----Original Message-----

From: hughbkaufman <hughbkaufman@comcast.net>

To: ken miller <kmiller@gormanmiller.com>

Cc: cassandra wiseman <topangafairy@gmail.com>; cami <camisobini.com>; stephanie smith <milagrosfilms@gmail.com>; Cindy Vandor <cindyvandor@gmail.com>; bohemianturtle <bohemianturtle@hotmail.com>; Brigitte Leonard <bridgetteleonard@gmail.com>; Ingrid Peterson <2ingmail@verizon.net>; Hope Edelman <hopedel@hotmail.com>; joy horowitz <joy.horowitz53@gmail.com>; Jeff Ruch <jruch@peer.org>; paula dinerstein <pdinerstein@peer.org>; Christina Pascucci <christinapascucci@icloud.com>; melissa <melissa@malibutimes.com>; dave <dave@smdp.com>; Jennifer DENICOLA <jd18@me.com>; NiColle Holland <nraber@aol.com>; Katy Lapajne <lrsmm@yahoo.com>; julietobias <julietobias@mac.com>; Paul Rosenfeld <prosenfeld@swape.com>

Sent: Fri, Dec 20, 2013 8:35 am

Subject: IMPORTANT: Malibu Schools' PCB Testing & Remediation begins Tomorrow...

The School Superintendent, **Sandra Lyon**, said this morning that EPA Region 9 PCBs Coordinator, Steve Armann, has approved the Malibu Schools' testing protocols, remediation, worker protection, etc. that will be used beginning tomorrow.

Per Superintendent Lyons request: please call Mr. Steve Armman, EPA Region 9 PCB Coordinator at [415-972-3352](tel:415-972-3352).

-- Please consider asking him if this is true, and asking him for a copy of the protocols for testing, remediation, & worker protection, that Ms. Lyons has said he has approved, and will be followed? Also, please consider asking Mr. Armanns how he will assure compliance with those protocols, which he has approved.--

[FYI-Superintendent Lyons statements are not consistent with the information I have received from other Malibu school and Environmental Task Force sources.]

Here's Superintendent Lyons letter announcing the testing, cleaning, & worker protection, beginning tomorrow:

"December 20, 2013

To: All Malibu Middle/High and Juan Cabrillo Elementary School Staff Members and Parents:

At last week's Board Study Session, there were teachers and parents who expressed a firm desire that instruction be returned to the original classrooms at Malibu High School as soon as possible. They are asking the District to take immediate action to clean dust from those rooms so that teachers and students can confidently return after the break. We want to honor all teachers' desires to maximize learning time and minimize disruptions to instruction, and in order to return teachers to their classrooms as soon as possible, these steps will be undertaken over Winter Break.

Pre-Testing

Before the rooms are cleaned using the Environmental Protection Agency's (EPA) recommended best management practices, we will gather air samples from the rooms in the Blue Building that had not been previously sampled. These are rooms 3, 4, 6, 7, 10, 14 and 16. Additionally, we will gather air samples from the gym office adjacent to the girls' locker room, music rooms 302 and 303 and the storage closet adjacent to room 1. This pre-testing air sampling will take place beginning December 21 through December 22, 2013. This testing will give the District the ability to confirm that the best management practices cleaning is effective in reducing PCB concentrations in air and will create a record of current conditions in the event any questions arise after the cleaning. EPA is not requesting this testing; the District is undertaking the work to provide further assurances to the community as we return teachers and students to the previously vacated classrooms.

Rooms Cleaned using Best Management Practices

The District has discussed our cleaning plan with the EPA, Region 9 office, and will utilize the EPA's recommended best management to clean the vacated Blue Building, Library, gym office adjacent to the girls' locker room, and the three music rooms over the winter break. The cleaning will be conducted beginning December 23, 2013 and conclude by January 5, 2014. Although not required, our cleaning plan was discussed with, and approved by, the EPA, Region 9 office.

Post-Cleaning Air and Wipe Sampling

Post-cleaning air and wipe sampling will be conducted in the five areas that had caulk and/or wipe samples that exceeded the regulatory standards. This testing will take place approximately January 3, 2014, through January 5, 2014. The testing protocols and the results will be reviewed/approved by the EPA, Region 9. The District is working directly with Steve Armann, EPA Manager, who was present at the Board Study Session last week. Mr. Armann will personally oversee the review and approval of our testing and cleaning protocols, as well as the verification sampling results. Any questions on our testing can be addressed directly with Mr. Armann, who can be reached at [\(415\) 972-3352](tel:4159723352). Consistent with the pre-testing work described above, we also intend to take post-cleaning air samples in those same rooms, which will also be concluded by January 5, 2014.

Return to Classrooms

Teachers may return to their classrooms as soon as the cleaning is completed. However, the timing of when teachers choose to return to their classrooms will be left to the teacher, as we do not want to unnecessarily further disrupt instruction. I will trust and rely on our teachers' judgment on working out that schedule.

Custodial/Maintenance Staff Training

We are working with our union leadership to create and deliver the necessary custodial/maintenance staff training for EPA best management practices for cleaning and maintenance. This will be done as soon as we can schedule it. I want to thank our employee leadership teams for their cooperation on this matter; they have been great. While the EPA has assured me that the rooms are safe to occupy, I believe the cleaning will give staff and students the assurances they need. The collection of post-cleaning testing data is being expedited, and, as noted, will be reviewed and approved by the EPA. The District seeks to hire an environmental engineering firm to oversee more air and soils testing at our Malibu schools, including Juan Cabrillo Elementary School, to help gather the necessary information to assure our staff, students and community that our schools are safe. They will also assist us in developing the appropriate plan for any further district assessments. We issued a Request for Qualifications (RFQ) last week with a deadline to receive responses by Friday, Dec.

20th. For your information I attach a copy of the RFQ (link). The responses received by the December 20th deadline will be posted on the District's website. The engineering firm will develop investigation plans under the oversight of, and in collaboration with, the EPA and the California Department of Toxic Substances Control.

In January, 2014, the screening and interview process will begin of the environmental engineering firms to determine who shall receive the assignment. We have asked Task Force members John Sibert and Lisa Lambert to serve on the interview panel and they have agreed. I will provide interview information to the full school community.

Please let me know if you have any questions.

Sincerely,

Sandra Lyon Superintendent

From: hughbkaufman@comcast.net

To: "ken miller" <kmiller@gormanmiller.com>

Cc: "cassandra wiseman" <topangafairy@gmail.com>, "cami" <[cami@sobini.com](mailto:camisobini.com)>, "stephanie smith" <milagrofilms@gmail.com>, "Cindy Vandor" <cindyvandor@gmail.com>, "bohemianturtle" <bohemianturtle@hotmail.com>, "Brigette Leonard" <bridgetteleonard@gmail.com>, "Ingrid Peterson" <2ingmail@verizon.net>, "Hope Edelman" <hopedel@hotmail.com>, "joy horowitz" <joy.horowitz53@gmail.com>, "Jeff Ruch" <jruch@peer.org>, "paula dinerstein" <pdinerstein@peer.org>, "Christina Pascucci" <christinapascucci@icloud.com>, melissa@malibutimes.com, dave@smdp.com, "Jennifer DENICOLA" <jd18@me.com>, "NiColle Holland" <nraber@aol.com>, "Katy Lapajne" <lrnsmm@yahoo.com>, julietobias@mac.com, "Paul Rosenfeld" <prosenfeld@swape.com>

Sent: Friday, December 20, 2013 9:27:47 AM

Subject: New Malibu Schools' PCB Testing Next Week...

Hey Ken,

Will you folks and **Dr. Paul Rosenfeld** continue to be involved in working with, and monitoring, the Malibu School District's **next round of environmental testing, beginning next week?**

Or, are your folks out of the case now?

Apparently, the Malibu School District has added **Mark Elliot**, a partner in the **Pillsbury** civil and criminal environmental defense firm, to join **Mark Katchen** on the technical/legal "coverup" team.

<http://smdp.com/officials-say-malibu-schools-safe-more-testing-to-come/130426>